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Supreme Court, U.S.
FILED
MAR 11 1996
CLERK

No. 95-1211

In The

Supreme Court of the United States

October Term, 1995

JOHN J. NICIT,

Petitioner,

vs.

ANNA MARIE NICIT,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE COURT OF APPEALS OF THE
STATE OF NEW YORK/SUPREME COURT
APPELLATE DIVISION, FOURTH DEPARTMENT

PETITIONER'S REPLY BRIEF

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Daily Record Corporation
Rochester, New York
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2 pp

An ancient polemical device, dating back at least to the days of Cicero, is the *ad hominem* thrust — if one doesn't have a good answer to his adversary's argument, then subtly attack his character. Such is Respondent's tactic on P. 2 Par. 1 of her brief. A fair reading in context of the Record below [P. 357-360, 637-8, 671-2] will expose the subtle distortions and half-truths impugning Petitioner's probity.

* * *

There is no medical proof whatever in the record that Respondent ever had cancer; only her say-so.

Petitioner apologizes for even mentioning these completely irrelevant matters but felt that silence might be adversely construed.

* * *

In none of the cases cited on Pages 7-9 of the opposing brief was the constitutionality of DRL 236B raised. Either the foreign divorce court had acquired personal jurisdiction over both parties (as in *Peterson, Mahoney, Bennett, Braunstein & Nikrooz;* not clear in *Mattwell*] or the facts were materially different.

This appears to be the first reported case to raise the constitutional issue.

Dated: March 6, 1996

Respectfully Submitted

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